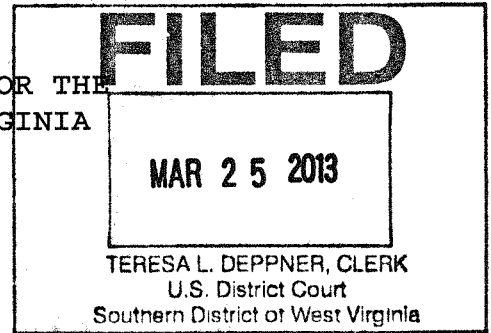


UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON



UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:13-00096

18 U.S.C. § 1343

EDWARD ELLIS MULLINS

18 U.S.C. § 2

I N F O R M A T I O N

The United States Attorney Charges:

COUNT ONE  
(Wire Fraud)

Background

At all relevant times:

1. Defendant EDWARD ELLIS MULLINS was a sourcing agent at the Shonk Powellton #1 Mine owned and operated by Elk Run Coal Company, a subsidiary of Alpha Natural Resources ("Alpha").

2. The Shonk Powellton #1 Mine was situated in or near Sylvester, Boone County, West Virginia.

3. An entity known to the United States Attorney ("Vendor Number One") provided goods and services to the Shonk Powellton #1 Mine.

The Scheme

4. From at least November 2011 through at least May 2012, at or near Sylvester, Boone County, West Virginia, within the

Southern District of West Virginia and elsewhere, defendant EDWARD ELLIS MULLINS, together with others known and unknown to the United States Attorney, aided and abetted by each other and others, did knowingly devise, and intend to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, that is, to defraud and obtain money by false pretenses from his employer.

Purpose of the Scheme

5. It was a purpose of the scheme for defendant EDWARD ELLIS MULLINS and others to enrich themselves by embezzling money from Alpha.

Manner and Means of the Scheme

6. In furtherance of the scheme, defendant EDWARD ELLIS MULLINS would and did use the manner and means as set forth below.

7. In his position as a sourcing agent, Defendant EDWARD ELLIS MULLINS would and did generate a false and fraudulent purchase order to, among other vendors known and unknown to the United States Attorney, Vendor Number One purporting to purchase goods or services for the Shonk Powellton #1 Mine operations.

8. Defendant EDWARD ELLIS MULLINS would and did submit the false and fraudulent purchase order to a person employed by Vendor Number One.

9. Vendor Number One would and did purposefully not deliver the goods or services referenced in the false and fraudulent purchase order, but nonetheless would and did submit a false and fraudulent invoice to Alpha for payment affirmatively stating that said goods and services had been delivered.

10. Defendant EDWARD ELLIS MULLINS and others would and did process the false and fraudulent invoice for payment knowing that said goods and services had not been delivered.

11. Vendor Number One would and did use a portion of the payment on the false and fraudulent invoice to provide Defendant EDWARD ELLIS MULLINS and others things of value in exchange for approving payment of the false and fraudulent invoice.

Use of Wires in Furtherance of the Scheme

12. On or about April 13, 2012, in or near Sylvester, Boone County, West Virginia, within the Southern District of West Virginia and elsewhere, defendant EDWARD ELLIS MULLINS, together with others known and unknown to the United States Attorney, aided and abetted by each other and others, for the purpose of executing the scheme, and attempting to do so, knowingly transmitted and caused to be transmitted by means of wire communication in interstate commerce writing, signs, signals, pictures and sounds, a wire transfer payment of \$8,712 from the bank account of Alpha Natural Resources held on deposit

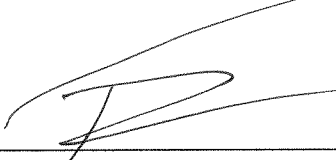
with PNC Bank in or near Pittsburgh, Pennsylvania to the bank account of Vendor Number One held on deposit at United Bank in or near, Charleston, Kanawha County, West Virginia.

In violation of Title 18, United States Code, Sections 1343 and 2.

UNITED STATES OF AMERICA

R. BOOTH GOODWIN II  
United States Attorney

By:

  
\_\_\_\_\_  
THOMAS C. RYAN  
Assistant United States Attorney